

STATE OF SOUTH DAKOTA



**COMMISSION ON GAMING**

696 Main Street, 2nd Floor

Deadwood, SD 57732

Phone: (605) 578-3074

**SOUTH DAKOTA GAMING COMMISSION ON GAMING**

**QUARTERLY MEETING**

**MINUTES**

September 13, 2004

At 9:00 a.m. Commissioner Kemnitz called the meeting to order. Commissioners Ralph Kemnitz, Michael Ortner, Shawn Lyons, Kristi Wagner and Karl Fischer were present. Also present were Tim Engel, Commission Attorney; Larry Eliason, Executive Secretary; and Craig Sparrow, Director of Enforcement and Operations.

**ADMINISTRATIVE HEARINGS**

Commissioner Kemnitz appointed Commissioner Ortner to carry out the duties of hearing officer. The court reporter for the hearings was Cynthia Weichmann. The following cases were scheduled to be heard:

- > RSI - Petition for Declaratory Ruling
- > David Covey - Revocation of gaming support license
- > Cory Diede' Revocation of gaming support license
- > Pierre Burck - Revocation of gaming support license
- > Kevin Moore - Revocation of gaming support license
- > Cindy Kruse - Revocation of gaming support license
- > Philip Flanders - Revocation of gaming support license
- > Judy Badow - Revocation of gaming support license
- > John Stein - Denial of gaming support license

Commissioner Ortner moved for the petition for a declaratory ruling for Racing Services Inc. to be continued at a later date. Commissioner Wagner seconded the motion and it passed unanimously.

Upon completion of the hearings the disposition of the matters were referred for discussion in executive session.

**GENERAL MEETING**

Upon completion of the administrative hearings Commissioner Kemnitz called the general meeting to order.

### **Presentations**

Mikohn demonstrated two table games for the Commissioner's review. The games demonstrated were Jackpot Pai Gow and Texas Hold `Em Bonus Poker.

### **June 30, 2004 Minutes of the Meeting**

Commissioner Fischer moved to adopt the minutes drafted for the June 30, 2004 meeting. Commissioner Ortner seconded the motion and it passed unanimously.

### **SD Thoroughbred Futurity Proposal**

Commissioner Lyons moved to defer acting upon a proposal submitted by Janet Sayler of the SD Thoroughbred Association. Commission Wagner seconded the motion and it passed unanimously.

### **Stipulation of Assurance of Voluntary Compliance**

Commissioner Fischer moved to approve the Stipulation and Assurance of Voluntary Compliance from Shuffle Master Inc. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Lyons moved to approve the Stipulation and Assurance of Voluntary Compliance from Margaret Taylor. Commissioner Wagner seconded the motion and it passed unanimously.

Commissioner Fischer moved to approve the Stipulation and Assurance of Voluntary Compliance from Pam Derby. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Wagner moved to approve the Stipulation and Assurance of Voluntary Compliance from Saloon Gambling Inc. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Fischer moved to approve the Stipulation and Assurance of Voluntary Compliance from Karen Norris. Commissioner Other seconded the motion and it passed unanimously.

### **Simulcast Bond**

Commissioner Fischer moved to refund \$50,000 from Bettor Racing, Inc. Commissioner Wagner seconded the motion and it passed unanimously.

### **Resolution**

Commissioner Wagner moved to approve Resolution Number 09-13-04 as shown in the meeting packet on page 74. Commissioner Ortner seconded the motion and it passed unanimously.

### **Licensing**

Commissioner Lyons moved to approve all Key Licenses listed in the meeting packet on page 76. Commissioner Ortner seconded the motion and it passed unanimously.

Commissioner Wagner moved to approve Troy Love for three retail licenses (0370, 0371 & 0372-RT) to be left at an unassigned location. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Lyons moved to approve Tom Hill's retail license (0330-RT) to an unassigned location. Commissioner Ortner seconded the motion and it passed unanimously.

### **Executive Session**

Commissioner Ortner moved to retire to executive session. Commissioner Fischer seconded the motion and it passed unanimously.

Upon completion of executive session Commissioner Kemnitz called the meeting back to order.

### **Decisions on Hearings**

Commissioner Ortner moved to revoke David Covey's support license. Commissioner Fischer seconded the motion and it passed unanimously.

Commissioner Lyons moved to revoke Cory Diede's support license. Commissioner Wagner seconded the motion and it passed unanimously.

Commissioner Fischer moved to revoke Pierre Burck's support license. Commissioner Ortner seconded the motion and it passed unanimously.

Commissioner Wagner moved to revoke Kevin Moore's support license. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Ortner moved to revoke Cindy Kruse's support license. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Fischer moved to revoke Philip Flander's support license. Commissioner Ortner seconded the motion and it passed unanimously.

Commissioner Wagner moved to revoke Judy Bandow's support license. Commissioner Lyons seconded the motion and it passed unanimously.

Commissioner Fischer moved to approve a support license for John Stein. Commissioner Lyons seconded the motion. The motion passed with four commissioners for the approval and one against.


### **Unassigned Retail Licenses**

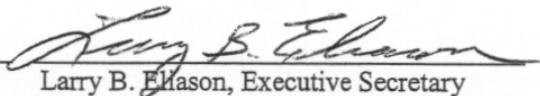
Commissioner Ortner moved to direct the Executive Secretary and his staff to compile a list of unassigned retail licenses as well as a list of "straw" retail licenses. Commissioner Wagner seconded the motion and it passed unanimously.

Commissioner Kemnitz adjourned the meeting.

Respectfully Submitted,

TeriErtman

  
Ralph Kemnitz, Chairman

  
Larry B. Elason, Executive Secretary